

REMARKS

With respect to the Section 101 rejection set forth in paragraph 2 to the method claims, it is respectfully submitted that the method claims clearly define results. It is not clear that there is any result requirement for a method claim in any case, but each claim element defines a result, such as establishing a device, enabling an optical communication, and notifying a first system. The case law that is referred to is apparently derived from efforts to prevent non-statutory matters, such as mathematical algorithms, from being patented. No such issue arises here and it is respectfully submitted that the application of Section 101 should be reconsidered.

With respect to claim 21, the claim has been amended, apparently as suggested.

With respect to the Section 112 objection set forth in paragraph 4, the objection is certainly not understood. It appears to be an assertion that essential matter is left out of the claims. However, for this to be true, the prosecution history or the specification itself must disclose that these matters are specifically essential. Here, there is no basis for any such conclusion and, therefore, the rejection should be withdrawn.

With respect to the objection set forth in paragraph 5, the claims have been amended to overcome the objection. Likewise, claim 11 has been amended to overcome the objection.

With respect to paragraph 7, the assertion that there is some established difference in meaning between device and system is noted, but it is believed that there is no basis for such a difference. A system is still a device and a device may still be a system. Therefore, there is no reason that the language utilized is not appropriate.

With respect to the rejection set forth in paragraph 9, based on the Deri reference, it is asserted that an optical transceiver including a wavelength division multiplexer enables optical communication with other two transceivers, at page 7 of the office action. Even if we were to assume *arguendo* that this is true, it fails to meet the limitations of the claims. It is not required that the applicant search the reference to attempt to see what the basis for the rejection is. Instead, it is required that each element of the claims be addressed. That has not occurred here and it is respectfully submitted that a *prima facie* rejection is not made out as a result.

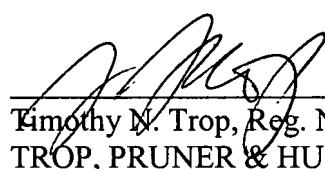
With respect to the rejection based on Nakata set forth in paragraph 11, reference to the previously filed appeal brief is respectfully requested. Thus, the appeal brief is incorporated by

reference herein as the complete response. Likewise, the same material is incorporated as a response to the rejection to claim 11, set forth in paragraph 13.

In view of these remarks, reconsideration is respectfully requested.

Respectfully submitted,

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Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation